

## SENSATION OF THE HOUR.

HOW THE WRIT OF HABEAS CORPUS RECEIVED BY THE PUBLIC.

Sympathizers With the Fathers of the Bill Say, "Go It, Old Boys." While the Contrary Minds Find Their Tongues and Point Out the Dangers.

Yesterday morning's APPEAL, giving the outline of the bill filed against Judge J. J. DuBose, came upon the public like a thunderbolt from a clear sky. It was the first intimation many had had of the proceedings and it furnished a theme for discussion all day and far into the night. Viewed from a public standpoint the case presents two distinct and different aspects. On the one side can be heard a clamor for the vigorous prosecution of the case. Judge DuBose, it is claimed, has no business on the bench. His conduct has long been overbearing, oppressing, autocratic and governed by prejudice. He has been the victim of a disorganized liver which wholly unfit him for the duties of a Judge, and if there is any technical trap by which he can be gotten rid of it should be taken advantage of. His present trouble is the legitimate fruit of his own intermeddling, domineering disposition. Or, as he expresses it himself, on account of his efforts "to run the court from top to bottom." For a Judge, he expresses himself too freely, criticizes and condemns too openly; his opinion from the bench in the Hedrick and other cases wherein he expressed the opinion that the accused was guilty before any trial was had disqualifies him from sitting in judgment in such cases and renders him a modern edition of Jeffries. This and much more of the same import can be heard.

On the other hand there are an equal number who claim that Judge DuBose is right and that the community should sustain him. The tilt between him and the Attorney-General, they allege, was a coolly laid down and cleverly worked trap to take advantage of his temper. In proof of this, the fact that a stenographer was taking a verbatim report of the proceedings, and the use to which the record is to be put is cited. Judge DuBose, it is claimed, has a violent temper which he does not at all times sufficiently control, but his heart is in the right place, and his honesty and fidelity are beyond question. He is the right man in the right place. In a city of this size where one party is dominant, and where, as a result, cliques are liable to form and corruption in public affairs is liable to breed, a man of Judge DuBose's position is absolutely indispensable. His stern self-reliance, his rugged independence and his Puritanical scrupulousness in the accomplishment of that which he believes to be right, is a protection and a blessing to the county. His very vices turn to virtues in prohibiting extravagance, preventing corruption, warding off the encroachments of those who, if given free rein, would constitute themselves dictators. His administration, though not perfect, and censurable in many ways, is necessary to properly balance other influences. It is claimed, further, that the existing so ancient an offense as the one charged in the bill is ghastly and unmanly, and will not receive the necessary support of public sentiment, and that a defeat of Judge DuBose at this time and on this issue would be more disastrous, and destructive to the public welfare, than any possible results that can accrue from the Judge's admitted faults. In that it would practically overturn courts, and that the public interests, and make them the bondwomen of a few men whose absolutism is more feared than Judge DuBose's temper. In addition to this it is claimed that a bill of this character comes in poor grace from those who are responsible for the election of Judge DuBose, and with a full knowledge at the time of the facts charged and many others not incorporated in the bill. In fine, it is argued, with spirit and with great show of sincerity, that while better men for the office than Judge DuBose might easily be found, it is better and wiser to sustain him in the present contest, even though it might be found necessary later on to oust him.

Indeed, the sentiment of those favoring Judge DuBose amounts to a desire to suffer the ill due to his Honor's delinquencies as a Judge rather than to incur others in exchange which they claim would be greater calamities.

Between the antithetical points of the arguments heard on the streets, there is a wide range over which discussion and speculation can roam in any chosen latitude.

Judge DuBose's estimate of his peril is appended to the bill filing, to be found in another column. He doesn't seem to be alarmed to death, nor does he anticipate official decapitation. His rejoinder will be along in due season, and the legal bombardment on both sides promises to be terrific.

Clerk and Master McHenry, after reading the oath and refreshing his memory of past events in which Judge DuBose has figured, ventured the opinion that he would interpose the res adjudicata plea. Mr. McHenry based this belief upon what Col. DuBose was a member of the State Senate, and it is nowhere recorded at the accused was denied his seat.

A more interesting question has not recently been heard discussed, nor one in which more numerous and varying opinions can be found.

The duel upon which the alleged illegality of Judge DuBose to hold the office of Judge of the Criminal Court is charged took place in June, 1870, the principals to the affair of honor being the late Mr. George K. Phelps and Mr. James Brizolari, both young lawyers at the time. Legal politics was the innocent cause of the affair, Mr. Brizolari being a member of the Shelby County Executive Committee, as was also Judge DuBose. Mr. Phelps, whose pen was caustic at that time, and whose brilliant style of writing was full of biting irony and sarcasm, had occasion to comment upon the public course of Mr. Brizolari, and in a roving article made use of an unhappy illustration and quotation, "The world is mine oyster, and with my sword I'll open it." Mr. Brizolari felt indignant and insulted, believing—and with some right, no doubt—that the quotation was used with the intention of calling attention to the fact that he had earned his living at one time by barkeeping and opening oysters for restaurant patrons. A terribly bitter and personal card appeared in the papers next morning from Mr. Brizolari and the issue was at once made, neither party being in any humor to compromise or submit to any reference to mutual friends. Judge DuBose was the personal friend of Mr. Brizolari and no doubt had something to do with preliminary correspondence, but before any conclusion was reached the Judge had to leave the city. Col. Coleman, then superintendent of the Western Union Telegraph Company's offices here, and a gentleman well versed in the code duello, took charge of Mr. Brizolari's case, and the challenge was passed and accepted in Hopedale, Ark., whither the principals had to leave the city. Col. Coleman was not to be arrested by the Memphis authorities. In a few days the duel was fought in Arkansas, a

few miles down the river, Col. Coleman being second to Mr. Brizolari up to the time when the principals took their positions in the field. Judge DuBose with others arrived on the ground at the nick of time, and the position of second was turned over to him by Col. Coleman, after some conference and it is believed at the request of Mr. Brizolari. Two shots were exchanged with the utmost coolness and deliberation by the gentlemen, Mr. Brizolari falling at the second fire, being severely but not fatally wounded.

These are about the main facts as can now be remembered by the writer, connected with Judge DuBose's position as second in the duel—and if they be true, would go to show that Judge DuBose was not the second while the principals were in Tennessee, and did not leave the State for the purpose of being a second, but became one rather unexpectedly on arriving on the field of honor, and at the request of Mr. Brizolari and his second, Col. Coleman.

## LOCAL BRIEVITIES.

A Legislative Council meeting will be held this afternoon.

A special venire of 100 has been ordered in the case of the State vs. W. O. Hedrick. Jim Johnson was jailed yesterday, charged with the offense of stealing an egg.

The 900 preachers who have been in the city have all gone, but the streets seem none the less crowded.

A mandamus suit to compel a reporter to disclose an item of news was threatened in court yesterday.

A ladies' black wrap was found at the ball park yesterday and can be recovered by applying to Secretary Lang.

An express driver named Lestrange was thrown from his vehicle on Main street, yesterday, and severely injured.

Justice Garvin, Mr. Q. K. Underwood, of the *Advertiser*; Mr. Arthur Taylor, of the *Leader*; and Mr. Joe Thiers, of Tennessee, have gone to Arkansas on a week's hunt.

The Master's degree was conferred on Mr. Emilio Riggs by Leila Scott Lodge, No. 283, F. and A. M., last night. There was a full attendance of members and many visitors. After the ceremonies a spread at Floyd's was enjoyed.

The Ladies' Auxiliary Committee, of the Young Men's Christian Association, will hold a meeting in their parlors, No. 207 Main street, this evening at 8:30 o'clock. Members are earnestly requested to be present and bring their friends with them.

All the members and friends of the Linden Street Christian Church are most cordially invited to be present at an informal reception complimentary to Dr. and Mrs. J. W. Ingram, at their residence, No. 537 Shelby street, this (Thursday) evening, May 16, 8 o'clock, to 10 o'clock.

Mr. John Mc Brooks, assistant to Attorney-General Peters, has tendered his resignation, and will return to the general practice of law. He will be succeeded Saturday morning by Mr. J. M. Steen, one of the youngest and brightest members of the local bar, and one who has already given a taste of his skill in criminal cases.

There was a baptismal drill at the Chickasaw drill grounds last night, Col. Hugh Pettit commanding. The companies represented were the Chickasaw Guards, Schorr Zouaves, Merchants' Zouaves and Montgomery Guards. The boys took to the change from the usual routine like ducks to water, and the drill was in every respect a signal success.

C. T. Gause, the young man committed for jail on a charge of perjury, some days ago, made application for a hearing through his attorneys, Messrs. Elliott and Hancock, under a writ of habeas corpus, admitting all that was charged in the warrant as true. Judge Phelps ordered the prisoner released on the ground that the points alleged to have been sworn to were not material to the case.

**Nervous Dyspepsia.**

Senator James F. Pierce, of New York, writes:

"For the past two years I have suffered very much from an aggravated form of nervous dyspepsia. I have resorted to various remedies, but deriving but little benefit. A few months since a friend of mine suggested the trial of Alcock's Pepsin Plasters. Following the suggestion, I have been using the same with the happiest effects. To those similarly afflicted let me suggest the manner of their use. I place one over my stomach, one over the hepatic region, and one on my back. The effect was excellent, and from the day I commenced their use I have been slowly but surely improving, and I am quite confident that by their continuance, with careful regimen, I shall again be restored to my accustomed health."

**THE SENATORIAL MEETING.**

Program of the Events for the Two Days' Raging.

Following is the program for the first spring meeting of the Tate County (Miss.) Agricultural and Stock Breeders' Association, to be held at Senatobia, May 16 and 17:

**FIRST DAY.**

First Race—Quarter mile dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Second Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Third Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Fourth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Fifth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Sixth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Seventh Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Eighth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Ninth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Tenth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Eleventh Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Twelfth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Thirteenth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Fourteenth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Fifteenth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Sixteenth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Seventeenth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Eighteenth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Nineteenth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Twentieth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Twenty-first Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Twenty-second Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

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Twenty-ninth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Thirtieth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

Thirty-first Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

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Fortieth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

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Hundredth Race—Fifty yard dash. Horses must be owned in the State. Purse \$25. Entrance fee \$2.

## ANOTHER EASY VICTORY.

MEMPHIS WINS FROM CHATTANOOGA IN THE HOLLOWEST STYLE.

The Pitcher Knocked Out of the Box and His Successor Treated to the Same Kind of Medicine—McBride Breaks the Record in Left Field.

Memphis had no trouble in winning from Chattanooga yesterday, as the score will indicate. The visitors put Ramsey in the box, who proved effective enough, though somewhat wild. In the fifth inning, when the score was 6 to 3 in favor of Chattanooga, Jones was put in to pitch for Chattanooga, but the change was disastrous. The home boys knocked Jones all over the lot, and scored three runs the first whack they got at him. Costly errors at short and second base contributed largely to the defeat of the visitors. The features of the game were McBride's fielding and the lufed work of Cruso and Hedrick. In the eighth inning McBride broke the record by putting out three men in left field on difficult fly balls. Applauded, for the visitors, again played brilliantly.

## OFFICIAL SCORE.

MEMPHIS	R.	H.	E.	P.	A.	E.
McBride, L. F.	0	2	2	0	0	0
Cruso, 1. b.	0	0	13	0	0	1
Broderick, C. F.	1	2	2	0	0	0
Kelly, C. F.	1	0	0	0	0	0
Cruso, 2. b.	2	1	8	5	1	0
Smith, P.	1	0	0	0	0	0
Hedrick, 2. b.	2	1	2	2	0	0
Holland, C.	1	3	3	2	0	0
Totals	14	12	27	17	4	0

## CHATTANOOGA.

CHATTANOOGA	R.	H.	E.	P.	A.	E.
Cruso, 1. b.	0	2	5	1	1	1
McBride, L. F.	0	0	5	3	1	0
Cruso, 2. b.	1	1	1	1	0	0
Broderick, C. F.	0	0	5	3	1	0
Cruso, 1. b.	0	0	5	3	1	0
Cruso, 2. b.	0	0	5	3	1	0
Cruso, 1. b.	0	0	5	3	1	0
Cruso, 2. b.	0	0	5	3	1	0
Cruso, 1. b.	0	0	5	3	1	0
Cruso, 2. b.	0	0	5	3	1	0
Totals	0	9	27	15	8	0

## By Innings.

By Innings	1	2	3	4	5	6	7	8	9	10	11	12
Memphis	0	0	2	4	0	0	0	0	0	0	0	0
Chattanooga	0	0	0	0	0	0	0	0	0	0	0	0

## Summary: Earned runs—Memphis 6, Chattanooga 2. Two base hits—Broderick, Kelly, Stolen bases—Memphis 1, Chattanooga 2. Double plays—Litz, McCoy and Nusz 2. Struck out—By Smith